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*Atty. Docket:* **060197**

*Serial No.:* **10/572,852**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the Application of: **MATSUURA, Satoshi, et al.**

Group Art Unit: 1793

Serial No.: **10/572,852**Examiner: **LIN, Kuang Y.**Filed: **December 7, 2006**P.T.O. Confirmation No.: **9245****FOR: METHOD OF FORMING A PRODUCT OF METAL-BASED COMPOSITE  
MATERIAL****REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.111**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 18, 2008

Sir:

In response to the Office Action dated **September 12, 2008**, Applicants respectfully request reconsideration of the 35 U.S.C. § 103(a) rejection of Claims 1-10 as being unpatentable over US Patent Application Publication No. 2006/0021728 to Gadow et al.

It appears as though the cited reference Gadow et al. - U.S. Patent Application U.S. 2006/0021728 is not a proper reference. Under paragraph 706.02 (f) of the U.S. Manual of Patent Examining Procedure (MPEP), the effective filing date of Gadow et al. is July 20, 2005.

Gadow et al. is a continuation of International (PCT) Application No. PCT/EP03/12352 filed November 5, 2003. However, since the International (PCT) Application was published in German, not English, Gadow et al., for the purposes of a reference in the present application, has an effective filing date of July 20, 2005. The filing date of the International (PCT) Application is not applicable. Therefore, the International filing date (December 27, 2004) of the present application pre-dates the